

HIE Governance for Arkansas

Key State-level Roles and Functions

Strategic and Operational Considerations

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January 8, 2010

Today's Objectives

1. Distinguish the roles and functions that are part of an overarching state level governance framework
2. Explore the realities of HIE governance in practice
3. Frame key factors to consider as part of strategic planning and decisions about governance structure, processes, accountabilities.

Agenda

- **Background Context**
 - Why the focus on statewide HIE
 - How we've come to understand statewide HIE infrastructure and the importance of governance
- **Components of a Statewide Governance Framework**
 - Governance roles, functions (the work)
 - Accountability structures, relationships
- **Arkansas Considerations**
 - States responding to HITECH
 - Success factors, applying lessons learned

Background - State-level Focus

- **The State-level HIE Consensus Project**
 - Sponsored by ONC
 - 3 years of field research, synthesis, implementation guidance, input (www.slhie.org)
 - Steering Committee (13 diverse state-level HIE leaders)
 - Leadership Forum (all state-level HIE initiatives)
- **SLHIE Learning Community: major contributions**
 - Input and coordination mechanism (nationwide, state, local)
 - Body of knowledge re HIE/SLHIE development
 - Support , shared learning and “voice” for SLHIE leaders
- **Other important efforts**
 - NGA State Alliance: structuring public accountability
 - HISPC: privacy and security
 - NHIN demonstrations

Interoperability i.e. HIE as a Strategic Priority

- **Vision for a transformed health system**
 - Clinician integration of HIT/EHR into the care delivery process
 - Broad infrastructure supports required to enable information availability wherever it's needed for individual and population health
- **ONC requirements – “Meaningful Use” of HIT**
 - Technical infrastructure supporting statewide HIE
 - Prioritized HIE services
 - Eligibility/claims transactions
 - Prescribing/refills, prescription fill/medication history
 - Lab ordering/results
 - Public health and quality reporting
 - Clinical summary exchange/care coordination and pt engagement

States and HIE – Pre-HITECH Evolution

- **Initial slow pace of HIT and HIE growth**
 - Targeting health care efficiencies
 - Organized to support defined business relationships/interests (transactions within systems, communities; limited stakeholders)
 - Financed largely by providers (some limited grants/contracts)
- **State-level HIE initiatives coalesce**
 - HIE to serve statewide public interests e.g. quality improvement
 - HIE as a state-level health care reform priority
 - State/federal government investments increase to initiate efforts
 - Focus on realizing public benefits – HIE as public good
 - *Resetting boundaries for producing information* from competition to collaboration
 - *Shared infrastructure* across sectors, stakeholders for individual and population information purposes
 - Leveraging *public and private investments*

Organizational Roles and Functions Emerge

- **The Health Information Organization (HIO)**
 - Govern HIE (information movement) *among* organizations and/or regions and *within* a state's geographic borders, according to *nationally recognized standards*, for a purpose of *improving health and health care* (from ONC definitions project, led by NAHIT)
- **State level HIO functions**
 - Governance
 - Convene stakeholders
 - Coordinate development and implementation of statewide roadmap to interoperability
 - Technical HIE Services (variable across states)
 - Broker and/or directly provide components of technical infrastructure and services to support statewide interoperability priorities.

Organizational Trends Across States

- **State level HIE Governance**
 - Various forms, stages of development
 - Common attributes
 - Structured public-private partnership
 - Non-profit
 - Transparency in decision-making, balanced stakeholder representation
 - Goals for broad social benefit (e.g. improving health and health care quality and efficiency)
- **Approaches: Governance vs Technical Functions**
 - SLHIE organization provides statewide data exchange services
 - SLHIE organization outsources statewide data exchange
 - SLHIE supports local RHIOs by providing common services (e.g. MPI, RLS)
 - SLHIE strictly a governance organization, RHIOs provide the data exchange

Evolving Strategic Concerns

- **SLHIE early “entrepreneurs” confront challenges**
 - Mobilizing sufficient capital for technical infrastructure
 - Limited leverage
 - Proprietary self interests don’t support statewide interoperability
 - Human capital (expertise, bench strength)
 - Working an array of “design and build” scenarios
- **Pivotal “barriers” to achieving the vision**
 - Insufficient market demand for statewide HIE
 - Inadequate resources to build capacity to scale
 - Lack of aligned value propositions (and strategies)
 - Federal-state-local, public-private

ARRA Links to State-level Efforts

- **Acknowledges and empowers state-level HIE governance**
 - Empowers qualified designated state entities (non-government, non-profit) as a choice by state government for HIE governance
- **Mechanism to carry out aspects of federal law and policy**
 - Disperse federal funds
 - Contribute to ongoing financing
 - Maintain accountability and transparency
 - Address priorities for quality improvement, public health, privacy enforcement
- **Leverage and coordination opportunities/challenges**
 - State grants = components of statewide plan for HIE physical and organizational infrastructure
 - Provider adoption = meaningful use of HER, state loan programs
 - Medicaid/Medicare = incentives, financing
 - Privacy enforcement

ONC - Blueprint for Statewide HIE Infrastructure

- **Key design “principles” specified**
 - Inherently public-private
 - Variability across states in meeting requirements
- **Necessary parts of infrastructure recognized e.g. domains**
 - Governance, finance, technical architecture, business and technical operations, legal and policy
- **State level governance and oversight framework required**
 - Convening for meaningful stakeholder engagement and consensus
 - Coordination for statewide planning, implementation, operations
 - Accountabilities and oversight structured

Why Statewide HIE Governance?

- Why is establishing an effective statewide HIE governance and oversight framework so important?

An Information-Based Health Landscape

Key Assumptions

- **Good health information will redefine the health care landscape and marketplace.**
 - A new “market” for good health information must be created via appropriate balance of roles and responsibilities, rules, incentives, oversight, and rewards.
- **Building and sustaining the capacity to generate good health information is not competitive but collaborative.**
 - *Using* the information will re-set where and how competition occurs.

Statewide HIE for Broad Social Benefit

Principles at Stake

- **Building HIE to scale and effectiveness is a matter of equity and economics**
 - HIE impacts the health and healthcare quality and cost-effectiveness for *all* individuals and populations.
 - The benefits of HIE accrue differently for individual stakeholders, but realizing optimal benefits that achieve health care reform goals requires widespread data sharing capacity across all stakeholders.
 - Building and maintaining the capacity for widespread HIE is a collective effort. No one community, provider, or corporate-based HIE effort commits to or invests in building capacity to this scale.

Statewide HIE Governance is Key

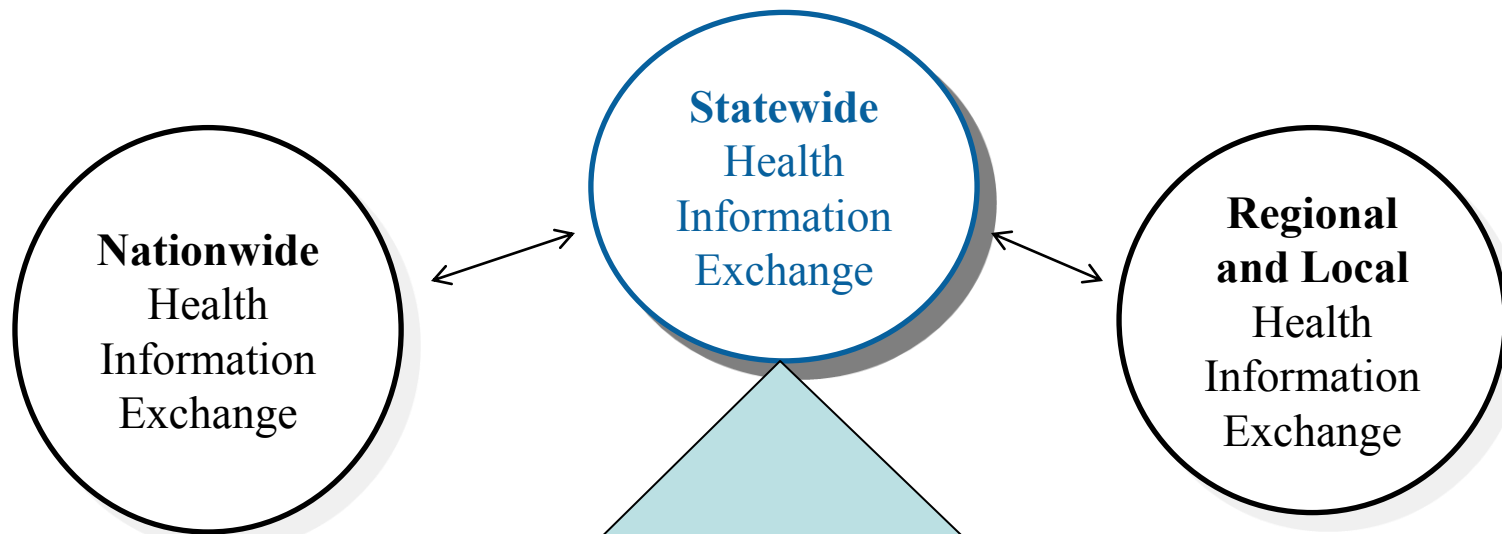
- **A mechanism is needed to forge new, productive and sustainable levels of collaboration, consensus and coordinated approaches (HIE Governance) for achieving HIE at broad enough scale.**
 - Data sharing policies and practices have to accommodate various settings and capacities, yet be consistent and sound to ensure confidentiality protections and HIE credibility.
 - Health care interests have to figure out strategies to fund, maintain and use a shared network that delivers business value for individual interests but also serves social goals.
 - There are many practical issues and challenges to navigate among stakeholders to build consensus for incorporating HIE within the technology, policy, business and organizational health infrastructure.

State level Collaborative Governance

A Positive “Disruptive” Influence

- **HIO/Entity serves as effective working collaborative**
 - Mechanism to foster negotiated self vs shared interests (shifting from competition to collaboration to make information available)
- **Plays new and distinct roles for achieving innovation**
 - Functions to effectively and efficiently broker resources
 - Interfaces with the marketplace to foster HIE services that are cost-effective in serving stakeholder interests and goals for health care quality, cost-effectiveness, preserving and protecting public health
- **Distinctly relates to local, state and federal health policy goals**
 - Addresses realities of local-regional-statewide health landscape
 - Links to federal agenda, standards dissemination, national level policy, technology and governance structures
 - Serves the interests of state government: all statewide residents, consumer protections, fiscal stewardship

Statewide HIE Governance as Fulcrum



- Address statewide barriers to HIE
 - Balance the rights and needs of all residents
- Act as a bridge between nationwide, regional, & local HIEs
- Serve as a conduit for consensus on and adoption of standards
 - Serve statewide goals for health care quality and cost-effectiveness
 - Provide sufficient level of data and transactional data aggregation for investments

Achieving a Sustainable “Marketplace” for Health Information and HIE

- **ONC and the Current HIE Marketplace**
 - "Medicare and Medicaid meaningful use incentives are anticipated to create demand for products and services that enable HIE among eligible providers... . The resulting demand for HIE will likely be met by an increased supply of marketed products and services to enable HIE, resulting in a competitive marketplace for HIE services."
- **Implications for States**
 - ONC (and struggles to identify sustainable HIE financing) acknowledge that a viable market place for HIE doesn't currently exist.
 - Stakeholders must develop a governance, financing, policy and technical infrastructure that both supplies high-value HIE services and creates sustainable demand.

State Government Provides Critical Leverage

- **Ensuring that HIE serves public benefit**
 - Privacy and Security of Consumer Health Data
 - Interoperability across public and private systems
 - Fiscal integrity and sustainability
 - Universal access to HIE for all providers and consumers
- **Aligning State Government HIE roles as part of traditional health-related accountabilities**
 - Leadership for policy agenda
 - Setting policy agenda for health care reform, demand for health information
 - HIT coordinators
 - Policy making
 - Statutes, regulations, agency policies
 - Fiscal stewardship
 - Leveraging public sector funds
 - Agency procurements

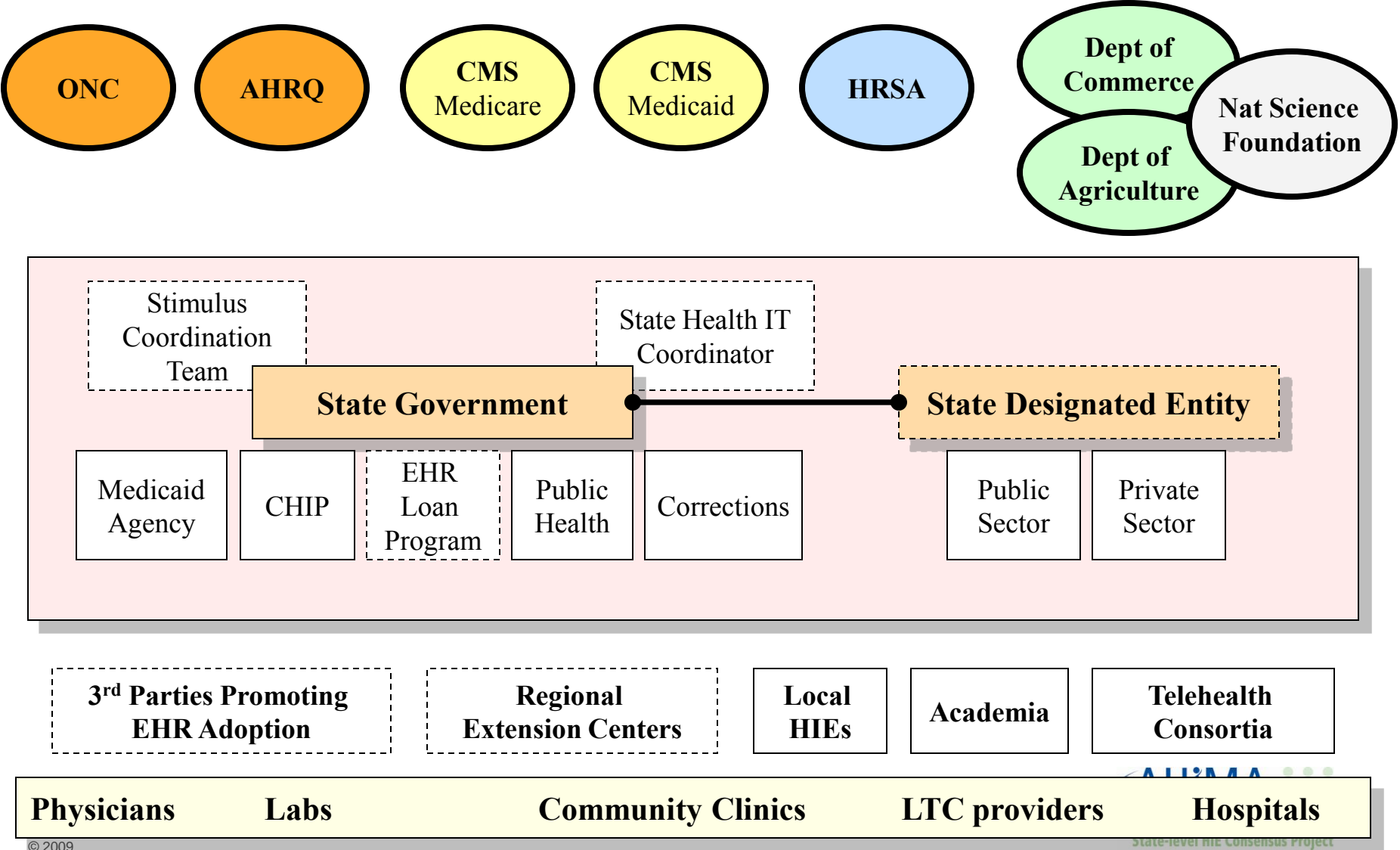
Structuring Accountabilities

- **Approach is key to establishing broad (and sustainable) statewide HIE infrastructure**
 - Establishing incentives and/or requirements to impact behavior across the marketplace and health landscape (i.e. drive market demand and business practices)
 - Linked to approaches across the HIE infrastructure domains
- **Deploying mechanisms for structuring HIE accountabilities and the governance structure**
 - Political Process: Government accountability to the public
 - Legislation: Defines authorities and responsibilities (rigid and slow to change)
 - Executive Orders: Executive branch action
 - Regulation: Protecting the public interest; enforcement of minimum standards
 - Contracts: Negotiated; specific details of scope, timeline, and responsibilities
 - State transparency, finance, and ethics laws
 - Accreditation/Certification (Voluntary/Sanctioned): Self imposed; independent review; self regulatory process improvement; expensive
 - Private Rights of Action: Consumer initiated recourse
 - Free Market: Market incentives; data incentives; threat of regulation

What Constitutes Statewide HIE Governance?

- What are the practical, day to day functions that are part of effective statewide HIE governance?

HITECH - The Case for Statewide Governance



Key HIE Related Roles and Functions

State Government Executive, legislative, agencies HIE Coordinator**	State level HIE Governance Entity (Government hosted, sponsored, or authorized formal public-private organizational structure)		SLHIE Governance Entity, its Subsidiary, and/or via Contracted HIE Operator
Policy/Oversight/Accountability	Convening/consensus	Coordinating	Technical HIE Operations
<p>Set health policy goals (reform priorities)</p> <ul style="list-style-type: none"> HIE as part of policy agenda <p>Endorse statewide HIE plan</p> <ul style="list-style-type: none"> Ensure adequate stakeholder input Allocate resources <p>Statutory/regulatory mechanisms</p> <ul style="list-style-type: none"> Agency support/ in HIE Plan incentives for industry HIE participation Align confidentiality protections Authorize HIE governance model Authorize state HIE funding/mech. <p>Direct State Agency HIE policy and program development/coordination</p> <ul style="list-style-type: none"> Medicaid, public health, state employees HIE participation <p>Assess progress w/statewide HIE development</p> <ul style="list-style-type: none"> Monitoring and evaluation Public reporting <p>** HIT Coordinator facilitates internal state government HIT/HIE, HIE policy, liaison to public/private governance</p>	<p>Organizational leadership, operations</p> <ul style="list-style-type: none"> Trusted neutral venue for stakeholder participation Support board, committee, other public/private stakeholder participation structures Facilitate stakeholder consensus Manage finances, business ops <p>Expertise, Information, Relationships</p> <ul style="list-style-type: none"> Monitor and inform re HIE development (all levels) Forge effective working relationships Facilitate consumer input and public communication <p>Facilitate collaborative development of public policy options to advance HIE</p> <ul style="list-style-type: none"> Inform agencies/policy makers/stakeholders about needs and opportunities Provide analysis/ implications of policy options under consideration 	<p>Facilitate statewide HIE implementation</p> <ul style="list-style-type: none"> Address barriers, mitigation Lead HIE Plan development implementation <p>Facilitate state alignment with interstate, regional, and national HIE strategies</p> <ul style="list-style-type: none"> Lead/participate in collaborative HIE development initiatives <p>Promote standards, consistent HIE policies, practices</p> <ul style="list-style-type: none"> Diffuse prevailing national standards Develop consensus for statewide data sharing Monitor, enforce HIE policies <p>Contribute HIE perspectives and expertise to ongoing healthcare reform efforts</p> <ul style="list-style-type: none"> Foster collaborative public/private approaches to harmonize healthcare quality improvement efforts 	<p>Own or manage contracts for hardware, software, & technical capacity to facilitate statewide HIE:</p> <ul style="list-style-type: none"> Infrastructural components (e.g., Master Patient Index, Record Locator Service, Interfaces, Data Repositories etc.), Applications (e.g., Meaningful Use Reporting, Business and Clinical Decision Support, Clinical Systems, etc.), Services (e.g., implementation guides / supports, standards, workflow optimization, coordination with REC)

Convening - Meaningful Stakeholder Engagement

Objectives

- Build social capital – broad stakeholder support for vision, approach, participation
- Foster empowerment – provide meaningful input and participation in consensus based decision making

Components/Methods

- Accountability
 - Choice of legal entity, relationship to state government
- Governing structure
 - Board: senior leaders, balanced expertise, interests
 - Committees: input to inform board decisionmaking
 - Other input: broad public
- Transparency

Coordination – Cost-effective Approaches

Objectives

- Leverage interests, resources to remove barriers to HIE implementation, achieve incremental HIE milestones (scale, sustainability, impact)
- Ensure ongoing value for stakeholders/participants
- Ensure consistent, effective compliant HIE practices

Components/Methods

- Structure work groups/processes for active participation by key stakeholders
- Adequate staff, expertise to build/support collaborative processes over time
- Prioritize working partnerships where interests, expertise, resources converge e.g. Medicaid
- Manage expectations


Implement Roadmap to Interoperability

Address Threshold Issues

- ***Identify Objectives/Social Capital.*** Define and rank goals then build the necessary consensus to support implementation. This requires governance structures, stakeholder participation, and dedicated resources.
- ***Define Shared Services.*** Identify core services and functions that are valued across a wide range of stakeholders, navigate disruptive or competitive challenges to existing and planned systems.
- ***Prioritize Services to Implement.*** Facilitate consensus for difficult choices between supporting near-term HIE solutions and investing in services that would advance the longer term goals of full interoperability.
- ***Vendors, Technical Requirements, Purchasing Services.*** Brokering solutions at the state-level requires strategy, technical knowledge, business savvy (vendor's bundled technical and pricing package, applications vary dramatically in their capabilities, performance, reliability, and costs)
- ***Economy of Scale, Approach to Getting Participation:*** State-level policy challenges: mandate entities adopt, use statewide HIE services or allow for the option of using alternatives to statewide HIE?

Paying for Health Information Infrastructure

Beyond HITECH, the costs for building capacity...

Categories	Costs
<u>HIE Services</u> <ul style="list-style-type: none"> • Core Services (infrastructure needed to share data statewide) • Enterprise Services (e.g., Medication Hubs, sharing of Continuity of Care Documents, linkages to exchanges through NHIN interfaces) • Value Added Services (including applications to support clinical decisions) 	
<u>Infrastructure for Providers, Regions, State Agencies</u> <ul style="list-style-type: none"> • Hardware, software for providers, hospitals to connect to exchanges • Hardware, software for regional exchanges • Hardware, software for state government HIE projects • Education & support for technical implementation (e.g., extension centers) 	
<u>Governance and Coordination Functions</u> <ul style="list-style-type: none"> • Administrative costs for governance and oversight • Subject matter experts 	
Total Costs  TBD	

Agreement on Resources to Tap?

	State HIE Grant	Regional Extension Center	Medicaid Incentives	Medicaid Admin	State Rev	Medicaid Managed Care Programs	Provider Remittance Fees	Ins Claims Adjudication Fees
Total Available	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Distribution	Quarterly 2010-2014	Quarterly 2010-2014	TDB 2011-2016	Annual	Annual	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Mechanism	Coop Agreement	Coop Agreement	<i>TBD</i>	<i>TBD</i>	Approps	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Fiscal Agent	State	<i>TBD</i>	Providers	State	State Agency	State Agency	<i>TBD</i>	<i>TBD</i>
Potential Sub-Recipients	All	Tech Assist Organizations	<i>NA</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>
Primary Focus	HIE Capacity	HIT Adoption	Meaningful Use	Some Flexibility	Flexible	<i>TBD</i>	<i>TBD</i>	<i>TBD</i>

Putting Governance into Operation

- States face four common tasks:
 - Developing and sustaining stakeholder buy-in and participation
 - Coordinating efforts across stakeholders
 - Determining resource allocation including how federal stimulus and other funds will be managed
 - Defining mechanisms for accountability, related to ARRA and over the long term.
- States must take into account the most feasible ways that these tasks can be successfully accomplished.

Steps to Building Operational Governance

- **Accountability framework**

1. Set Public policy goals (targets for HIE, impacts)
2. Set requirements related to HIE (e.g. use of standards, privacy protections, endorse State plan, milestones)
3. Define organizational accountabilities (empower governance entity)
4. Identify oversight mechanisms (reporting, audit, etc)

- **Governance body**

1. Choice of legal entity (plan for interim, permanent)
2. Leadership (expertise/vision, build relationships, business savvy)
3. Stakeholder engagement, processes for input and consensus
4. Organizational policies, structures, processes
5. Data sharing policies
6. Business operations, provisions for technical operations
7. Oversight mechanisms

Lessons Learned from States' Experiences

- Evaluating the relative pros and cons of various approaches to establishing governance
 - Take into account the existing landscape and cultural preferences for an approach to how roles and relationships are defined within a state.
 - An invaluable foundation for successful HIE development is "social capital" - stakeholder investment in the vision, mission and approach to achieving HIE implementation.

Evolution and Variables

- Governance model will evolve, be impacted by state's characteristics, strategy and stages of development e.g.
 - Technical architecture – enterprise plan
 - Scope of role related to technical operations
 - Staff/expertise required
 - Marketplace complexity
 - Financing
 - Need sustainable support for governance as part of business model

Key Factors to Consider

- Access to adequate staffing, expertise
- Procurement process efficiency
- Ability to manage competing financial priorities and ensure maintenance of effort
- Ability to achieve credible participation in decision making by both public and private stakeholders
- Incubation from disruptive political changes
- Ability to blend public and private resources, matching funds
- Flexibility to respond to the evolving HIE landscape e.g. changing marketplace conditions, advances in the HIE industry and continued evolution in nationwide HIE infrastructure development

Prevailing Governance Models (3)

- **Variables**

- Government and private sector relationship
- Varies by degree, mechanism

- **Models**

1. Government provides governance and HIE operations
2. Non-governmental entity provides governance and technical operations via a “public utility” like structure with government oversight
3. Independent non-profit HIO entity provides governance and technical operations with government collaboration

The State HIE Toolkit

- Resource for information
 - 3 models, pros and cons
 - Considerations

Arkansas Threshold Issues – Key Examples

Threshold Issue	Considerations
1. Role of RHIOs and Local HIEs	✓ Will RHIOs be a required or optional component of statewide HIE?
2. Governance & Technical Operations	✓ Should the role of governance be separated from the role of technical operations of the HIE?
3. Key Tasks and Functions	✓ What are the primary functions of the governance entity?
4. Accountability Mechanisms	✓ What mechanisms /processes should be used to ensure oversight of the exchange of health information? e.g. contracts with incentives for adherence & penalties for non-adherence? ✓ State gov't regulatory oversight mechanisms? ✓ Voluntary enforcement models, including accreditation?

Key Threshold Issues

Threshold Issue	Considerations
Structure of Governance Entity	✓ Should the governance entity exist as an extension of Maryland state government (i.e., an advisory body) or as an independent organization?
Composition of the Governance Entity	✓ What should the membership categories be for the statewide HIE governance entity?
Governance Process	✓ What is the framework for supporting collaboration? ✓ What are relationships and accountabilities within the governance process?
Creating the Governance Entity	✓ How will the statewide governance entity be created ?